

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2150

S.P. 846

In Senate, January 14, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland

Cosponsored by Representative PENDLETON of Scarborough and Representative O'DEA of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Provide Immunity to Nonprofit Institutions That Donate
Surplus Food.**



Be it enacted by the People of the State of Maine as follows:

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14 MRSA §166, sub-§§2 and 3, as enacted by PL 1981, c. 300,
are amended to read:

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2. **Immunity for donor.** Notwithstanding any other provision of law, a good faith donor of canned or perishable food, which including open-dated food, the date of which has passed, that is apparently fit for human consumption at the time it is donated, to a bona fide charitable or ~~net-for-profit~~ nonprofit organization for free distribution, is immune from civil liability arising from injury, illness or death due to the condition or content of the food, ~~unless the injury or death is a direct--result--of--the--gross--negligence,--recklessness--or intentional--misconduct--of--the--donor.~~ For purposes of this subsection, "open-dated food" means food that is labeled with a date by which it is recommended that the food be purchased or consumed.

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3. **Immunity of distributor.** Notwithstanding any other provision of law, a bona fide charitable or ~~net-for-profit~~ nonprofit organization and or any employee or volunteer of that organization who in good faith ~~receive~~ receives and ~~distribute~~ distributes food, ~~which that~~ that is apparently fit for human consumption at the time it is distributed, without charge, ~~are is~~ is immune from civil liability arising from an injury, illness or death due to the condition or content of the food, ~~unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the organization.~~

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STATEMENT OF FACT

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The purpose of this bill is to broaden the existing immunity provisions applying to persons or organizations donating food to charitable or nonprofit organizations for free distribution.